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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,283

Applicant(s)

ESPE, ROLF

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Priority claims to related data are only required when the related data is domestic. As such, it is not necessary for the Applicant to recite foreign priority claims. The Examiner suggests deleting the priority claim related data from the disclosure.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-18 are further rejected for their dependency on claim

1.

4. Claim 1 is indefinite because "substantial proportion" are relative terms, which renders the claim indefinite. The Examiner notes that the Applicant defines "substantial proportion" on page 8 of the specification, however, the definition is indefinite because it is unclear if the "substantial proportion" values given are adequate to provide the required chemical/thermal resistance and elasticity. For examination purposes "substantial proportion" will be construed as anything over 10 weight percent. Claim 1 is further indefinite because it is unclear to the Examiner how the woven fabric contains a "substantial proportion" of an elastomer. In other words, are the threads made from said elastomer or is said elastomer coated on the woven fabric?

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5. Claim 10 is indefinite because it is unclear to the Examiner if the warp and weft threads of the woven fabric are elastomeric or if the threads are coated with a "substantial proportion" of said elastomer.

6. Claim 11 is indefinite because it is unclear to the Examiner what the Applicant considers a "proportion".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 10, 13, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hennecken, Derwent Abstract, EP 862988A.

The German patent publication abstract to Hennecken, discloses a press pad produced on a conventional loom, comprising threads having a core of aromatic polyamide and/or a thermoplastic and/or a pre-oxidized polyacrylonitrile and/or a polyimide and/or polybenzimidazole and/or aramide. The sheath coating or cover is made from rubber and/or silicone elastomer and/or polytetrafluoroethylene. Hennecken further teaches adding metal powder to the silicone elastomer sheath coating having the weight ratio of silicone elastomer: metal powder mixture from 90:10 to 40:60 respectively.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11, 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennecken, DE 197 09 644 A1, as applied to claims 1 and 13 above, and further in view of Douglas et al., WO 96/13376.

Hennecken fails to teach a press pad having warp or weft threads comprising a "proportion" of at least one metal, however, the published PCT application to Douglas et al., discloses a woven fabric of heat resistant strands wherein a substantial proportion of either the warp or the weft comprises a silicone elastomer (Abstract). Douglas et al., also teaches a preferred woven press pad embodiment comprising silicone elastomer covered copper wire in the weft direction and at least one of stainless steel, copper, copper alloy or copper or stainless steel wires wrapped with an aromatic polyamide or polyester yarn (Abstract). Alternatively, at least one of the warp and weft may comprise solid silicone strands (Page 4, 26-30). In addition, non-metal strands such as aromatic polyamide or polyester yarns may also be used as the warp strands. Metal strands such as copper or stainless steel may also be used to wrap the heat resistant polyamide or polyester yarns (Page 8, 19-24). Douglas et al., further teaches that multi-stranded copper wire exhibits a high reversed bending strength and therefore has a lower

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susceptibility to metal fatigue and a greater flexibility than the conventional wire used for electrical wiring (Page 7, 9-20).

Therefore, motivated to enhance flexibility and strength it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the metal strands of Douglas et al., for the aromatic polyamide and/or a thermoplastic and/or a pre-oxidized polyacrylonitrile and/or a polyimide and/or polybenzimidazole and/or aramide yarns of Hennecken.

11. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennecken, DE 197 09 644 A1 as applied to claim 1 above and further in view of Saito et al., US 4,985,483.

Hennecken does not explicitly teach a blend of elastomers, however, the patent issued to Saito et al., teaches a curable fluororubber composition comprising 100 weight parts of a fluororubber, a sufficient amount of a curing agent and from .1 to 30 parts by weight of a cured silicone material, which may be in the form of a rubber or gel (Abstract and Column 2, 11-20). The composition cohesively bonds to metal or plastic substrates (Abstract). Saito et al., teaches that the composition provides excellent mechanical strength and good release properties (Abstract and Column 1, 13-35). Therefore, motivated to improve the strength, adhesive and release properties of the coating it would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the woven press pad of Hennecken with the fluororubber composition of Saito et al.

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Allowable Subject Matter


12 Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, the prior art of record does not teach a woven fabric comprising a elastomer produced by the copolymerization or terpolymerization of vinyl chloride. Presently, there is no motivation or suggestion to combine references to form an obvious type rejection.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls 
December 2, 2002


CHERYL A. JUSKA
PRIMARY EXAMINER